

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

THE UNITED STATES for the use of)
GMW Fire Protection, Inc., an Alaska)
Corporation,)

Plaintiff,)

vs.)

KANAG'IQ CONSTRUCTION CO.,)
INC., an Alaska Corporation, and)
WESTERN SURETY COMPANY, a)
South Dakota Corporation,)

Defendants.)

Case No. A05-170 CI (TMB)

MOTION AND MEMORANDUM FOR STAY OF EXECUTION OF JUDGMENT
[STAY WITH BOND ON APPEAL]

Pursuant to Federal Rule of Civil Procedure 62(d), Defendants, KANAG'IQ CONSTRUCTION CO., INC. and WESTERN SURETY COMPANY, through their attorneys, Eide & Gingras, P.C., request that the Court stay any execution of judgment, or any proceedings to enforce it, pending their appeal in this matter.

Rule 62(d) provides that the appellants may obtain a stay by supersedeas bond, given upon or after filing the notice of appeal. Fed. R. Civ. P. 62(d). Defendants filed their Notice of Appeal on July 22, 2008. [Docket No. 183] The undersigned counsel has obtained permission from Western Surety to use the payment bond in this matter as the bond on appeal. The payment bond is in the amount of \$709,148.90, which is more than sufficient to cover the judgment in this matter. [Exhibit A] Absent an order from the

1 Court approving the bond and granting a stay of execution of the judgment pending appeal,
2 Plaintiff may otherwise proceed to execute against the judgment on August 18, 2008. This
3 date assumes that Federal Rule of Civil Procedure 62(a) applies to the Court's order dated
4 August 6, 2008. [Docket No. 192]

5 Therefore, Defendants respectfully request the Court to stay any execution of
6 judgment pending appeal. Because of the time constraint described above, Defendants
7 further request a decision by the close of business tomorrow, or as soon thereafter as
8 possible.
9

10 DATED at Anchorage, Alaska this 7th day of August, 2008.

11 EIDE & GINGRAS, P.C.
12 Attorneys for Defendants
13 Kanag'Iq Construction Co., Inc. and
14 Western Surety Company

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CERTIFICATE OF SERVICE

I am a legal secretary employed by the law firm of Eide & Gingras, P.C. That on this 7th day of August, 2008, I served

☒ Electronically

a true and accurate copy of the foregoing document upon the following counsel of record:

Sarah J. Tugman, Esq.
2509 Eide Street, Suite 4
Anchorage, AK 99503

EIDE & GINGRAS, P.C.

By /s/Donna Charter

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